

REMARKS

This is a Response to the Notice of Non-Compliant Amendment dated February 4, 2008.

On February 4, 2008, the Examiner mailed a Notice of Non-Compliant Amendment, wherein the Examiner noted that: "A complete listing of all of the claims is not present. Applicant's arguments state claims 19-25 are added, however, these claims do not appear in the claim set with their proper identifier." It is believed that this Examiner's comment in the Notice refers to the ending of the first paragraph on page 9 (Remarks portion) of the applicants' Amendment under 37 CFR 1.111 filed November 13, 2007, which inadvertently states that "and claims 19-25 have been added." It is respectfully submitted that this comment was inadvertent, and that there were no new claims 9-25 to be filed with the Amendment filed on November 13, 2007. Please accept our sincere apologies for any inconvenience such inadvertence may have caused. It is the applicants' position that the arguments, presented in their Amendment filed November 13, 2007, are sufficient to overcome the prior art of record without the need to amend the claims.

Accordingly, the applicants respectfully request that the Amendment filed on November 13, 2007 and this Response, which are believed to be fully responsive to the Office Action dated June 12, 2007, be entered and be favorably considered.

U.S. Serial No. 10/694,269
RESPONSE TO NOTICE OF
NON-COMPLIANT AMENDMENT filed February 25, 2008

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Mel R. Quintos
Attorney for Applicants
Reg. No. 31,898

MRQ/lrj

Atty. Docket No. **021311A**
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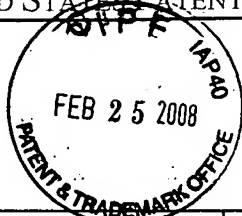


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MRQ
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,269

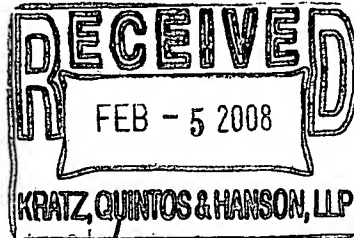
10/29/2003

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23850 7590 02/04/2008
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2/5/08 AK

EXAMINER

GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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02/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DUE: MARCH 4, 2008
NON-COMPLIANT AMDT.

DOCKETED

DATE

26 N#
2/6/08



**Notice of Non-Compliance
Amendment (37 CFR 1.121)**

Application No.	Applicant(s)	
10/694,269	UEHARA ET AL.	
Examiner	Art Unit	
JOCELYN GREIMEL	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 13 November 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings:
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Applicant's arguments state claims 19-25 are added, however, these claims do not appear in the claim set with their proper identifier.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/James Kramer/
SPE AU 3693

Legal Instruments Examiner (LIE), if applicable

Telephone No.

